

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:
SUMMIT METALS, INC. :
: Chapter 11

Debtor. : Case No. 98-2870 (RB)
RE: Docket No. 549

**ORDER STRIKING APPELLANT'S DESIGNATION OF CERTAIN ITEMS TO
BE INCLUDED IN THE RECORD ON APPEAL PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 8006**

Upon the motion (the "Motion") of Francis A. Monaco, Jr., Chapter 11 Trustee (the "Trustee" or "Appellee") of Summit Metals, Inc. (the "Debtor"), by and through his undersigned counsel for entry of an Order striking Appellant, Ambrose M. Richardson, III's ("Appellant") designation (the "Designation") of certain items to be included in the record on appeal (the "Motion"), and upon the pleadings and evidence presented in favor of the Motion; and Appellant having failed, despite adequate notice and opportunity, to make any submission in opposition to the Motion, and after due deliberation and sufficient cause appearing therefore, it is hereby;

ORDERED, that the Motion is granted; it is further

ORDERED, that the designation of the certifications of James T. Kelly, Joseph N. Giglietti and Stuart J. Benton (collectively, the "Certifications") is stricken; and it is further

ORDERED, that the designation of the Docket and record for the United States Bankruptcy Court for the District of Delaware chapter 11 case no. 98-2870 (the "Docket Designation") is stricken.

Dated: Wilmington, Delaware
Dec. 15, 2005


THE HONORABLE RANDOLPH BAXTER